

1 HONORABLE RONALD B. LEIGHTON
2
3
4
5
6

7 UNITED STATES DISTRICT COURT
8 WESTERN DISTRICT OF WASHINGTON
9 AT TACOMA

10 CHERYL KATER, et. al.,

11 CASE NO. C15-612RBL

12 v. Plaintiffs,

13 ORDER

14 CHURCHILL DOWNS
15 INCORPORATED, et al.,

16 Defendants.

17 THIS MATTER is before the Court on its own motion. The Court previously stayed
18 discovery in this case (other than pre-amendment, outstanding discovery by Kater to Churchill
19 Downs), pending resolution of Defendants' Motion to Compel Arbitration of the claims in
20 plaintiffs' amended complaint.

21 The Court today STAYED this cases companion case, *Thimmegowda v. Big Fish Casino*,
22 *et al.*, Cause No. 19-199RBL, pending the Ninth Circuit's resolution of similar issues in a similar
23 case, *Wilson v. Huuuge*, Cause No. 18-5276RBL. *Huuuge* was recently argued before the Ninth
24 Circuit. Defendants have since re-noted their pending Motion to Compel Arbitration for October
this case.

1 The Court agrees with that approach. It will *sua sponte* STAY this case, pending the
2 Ninth Circuit’s decision in *Huuuge*. The pending motion [Dkt. # 100] is TERMINATED without
3 resolution, and Defendants may re-file (or revise) their motion to compel after the Ninth Circuit
4 decides *Huuuge*. The parties may also weigh in on whether the Court should also await the Ninth
5 Circuit’s decisions in *Benson v. Double Down Interactive LLC, et.al.*, Cause No. 18-cv-
6 0525RBL and *Wilson v Playtika*, Cause No. 18-5277RBL.

The parties' stipulation [Dkt. # 118] regarding the outstanding discovery remains in place, and this Order should not be read to apply to ongoing, previously-permitted discovery. The goal is to delay the motion to compel and any other motion practice until *Huuuge* is decided.

10 IT IS SO ORDERED.

11 Dated this 12th day of September, 2019.

Ronald B. Leighton

Ronald B. Leighton
United States District Judge